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UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN -- SOUTHERN DIVISION

JONATHAN DORFMAN,

Plaintiff,

-vs-

Case: 2:07-cv-13476

Assigned To: Battani, Marianne O

Referral Judge: Majzoub, Mona K

Filed: 08-17-2007 At 03:11 PM

CMP DORFMAN V. PENTAGROUP FINANCIAL
, ET AL (TAM)

DEMAND FOR JURY TRIAL

PENTAGROUP FINANCIAL, LLC, and
DIVERSIFIED ADJUSTMENT SERVICE, INCORPORATED,

Defendants.

Adam G. Taub (P48703)
Lyngklip & Taub Consumer Law Group, PLC
Attorney for Jonathan Dorfman
24500 Northwestern Highway, Ste. 206
Southfield, MI 48075
(248) 746-3790

COMPLAINT & JURY DEMAND

Jurisdiction

1. This court has jurisdiction under the FDCPA, 15 U.S.C. §1692k(d) and 28 U.S.C. §§1331,1337.
2. This court may exercise supplemental jurisdiction over the related state law claims arising out of the same nucleus of operative facts which give rise to the Federal law claims.

Parties

3. The Plaintiff to this lawsuit is Jonathan Dorfman who resides in Birmingham, Michigan 48009.

4. The Defendants to this lawsuit are as follows:
 - a. Pentagroup Financial, LLC ("Pentagroup") which is a corporation doing business in Michigan, and whose resident agent, Ransom Lummis, maintains its office at 5959 Corporate Dr. #1400, Houston, TX 77036.
 - b. Diversified Adjustment Service, Incorporated ("Diversified Adjustment") which is a corporation doing business in Michigan, and whose resident agent, The Corporation Company maintains its office at 30600 Telegraph Rd #2345, Bingham Farms, MI 48025.

Venue

5. The transactions and occurrences which give rise to this action occurred in Oakland County.
6. Venue is proper in the Eastern District of Michigan.

General Allegations

7. Some time prior to August of 2006, Plaintiff was contacted by a debt collector regarding a Sprint account ("the account") that he was not responsible for.
8. Plaintiff informed the debt collector and Sprint that the account was not his.
9. The debt collector and Sprint acknowledged that the account identifiers did not match Plaintiff's.
10. At some point in time prior to October 31, 2006, Sprint had actual notice that the account did not belong to Plaintiff.
11. On October 31, 2006, Diversified Adjustment contacted the Plaintiff and dunned him for the account in spite of the fact that actual knowledge that the account was not his was imputed to Diversified Adjustment.

12. Within 30 days of receipt of the letter, Plaintiff notified Diversified Adjustment that the debt was not valid and explained to Diversified Adjustment that the account was not his; Plaintiff also requested that Diversified Adjustment cease and desist collection.
13. On December 6, 2006, Diversified Adjustment sent Plaintiff a letter containing false and misleading language.
14. On December 11, 2006, Plaintiff's attorney sent Diversified Adjustment a letter explaining the entire situation.
15. Pentagroup was engaged at some point after December 11, 2006, to collect the account and promptly, knowingly and willfully reported false information to one or more credit bureaus regarding the Plaintiff.
16. Plaintiff has suffered damages as a result of the acts described herein.
17. As a result of the acts alleged above, Plaintiff has suffered damages.

COUNT I – Fair Debt Collection Practices Act (Pentagroup)

18. Mr. Dorfman incorporates the preceding allegations by reference.
19. At all relevant times Pentagroup – in the ordinary course of its business – regularly engaged in the practice of collecting debts on behalf of other individuals or entities.

Pentagroup Financial, LLC's foregoing acts in attempting to collect this alleged debt against Mr. Dorfman constitute violations of the FDCPA including, but not limited to the following:

- a. Pentagroup Financial, LLC's foregoing acts in attempting to collect this alleged debt against Mr. Dorfman constitute violations of the FDCPA including, but not limited to the following:
- b. Pentagroup Financial, LLC used generally harassing, oppressive or abusive methods

to collect the debt., in violation of the general prohibitions in 15 U.S.C. §1692d.

c. Pentagroup Financial, LLC used generally false, misleading or unfair methods to collect the debt., in violation of the general prohibitions in 15 U.S.C. §1692e.

d. Pentagroup Financial, LLC used unfair or unconscionable means to collect or attempt to collect the debt, in violation of the general prohibition in 15 U.S.C. 1692f.

20. Mr. Dorfman has suffered damages as a result of these violations of the FDCPA.

COUNT II – Fair Debt Collection Practices Act (Diversified Adjustment)

21. Mr. Dorfman incorporates the preceding allegations by reference.

22. At all relevant times Pentagroup – in the ordinary course of its business – regularly engaged in the practice of collecting debts on behalf of other individuals or entities.

Diversified Adjustment 's foregoing acts in attempting to collect this alleged debt against Mr.

Dorfman constitute violations of the FDCPA including, but not limited to the following:

a. Diversified Adjustment 's foregoing acts in attempting to collect this alleged debt against Mr. Dorfman constitute violations of the FDCPA including, but not limited to the following:

b. Diversified Adjustment used generally harassing, oppressive or abusive methods to collect the debt., in violation of the general prohibitions in 15 U.S.C. §1692d.

c. Diversified Adjustment used generally false, misleading or unfair methods to collect the debt., in violation of the general prohibitions in 15 U.S.C. §1692e.

d. Diversified Adjustment used unfair or unconscionable means to collect or attempt to collect the debt, in violation of the general prohibition in 15 U.S.C. 1692f.

23. Mr. Dorfman has suffered damages as a result of these violations of the FDCPA.

JURY DEMAND

24. Mr. Dorfman demands a jury trial in this case.

REQUEST FOR RELIEF

Plaintiff requests that this Honorable Court grant the following relief:

- a. *Assume jurisdiction over this case including all supplemental claims.*
- b. *Award actual damages.*
- c. *Award statutory and punitive damages.*
- d. *Award statutory costs and attorney fees.*

Respectfully Submitted,

LYNCKLIP & TAUB
CONSUMER LAW GROUP, P.C.

By: 

Adam G. Taub (P48703)
Attorney for Plaintiff
24500 Northwestern Highway, Ste. 206
Southfield, MI 48075
(248) 746-3790
AdamLaw@Pop.Net

Dated: August 17, 2007

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by the rules of court as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

ORIGINAL

I. (a) PLAINTIFFS

JONATHAN DORFMAN

(b) County of Residence of First Listed Plaintiff OAKLAND
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Adam G Taub, Lyngklip & Taub Consumer Law Group, PLC
24500 Northwestern Hwy. Ste 206, Southfield, MI 48075-2406
(248) 746-3790

DEFENDANTS

PENTAGROUP FINANCIAL LLC., DIVERSIFIED ADJUSTMENT SERVICE INC.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION

(Select One Box Only)

☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)

☐ 2 U.S. Government Defendant ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(Select One Box for Plaintiff and One Box for Defendant)

PTF DEF

☐ 4 ☐ 4

Case: 2:07-cv-13478

Assigned To: Battani, Marianne O

Referral Judge: Majzoub, Mona K

Filed: 08-17-2007 At 03:11 PM

CMP DORFMAN V. PENTAGROUP FINANCIAL ET AL (TAM)

☐ 5 ☐ 5☐ 6 ☐ 6**IV. NATURE OF SUIT**

(Select One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 410 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Select One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 USC 1692k(d) and 28 USC 1331, 1337

Brief description of cause:

The above named defendants have violated the Fair Debt Collections Practice Act

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

August 17, 2007

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

PURSUANT TO LOCAL RULE 83.11

ORIGINAL
JAN 18 2008

1. Is this a case that has been previously dismissed?

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :
